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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,403	07/02/2001	Kenneth William Hunt	004565-067	9206

30159 7590 09/25/2006

LEGAL DEPARTMENT INTELLECTUAL PROPERTY
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EXAMINER

HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,403

Applicant(s)

HUNT ET AL.

Examiner

Melanie J. Hand

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed July 7, 2006, with respect to the rejection(s) of claim(s) 1-4 and 8-15 under 35 U.S.C. 102 and claims 2 and 5-7 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of different interpretations of the previously applied prior art references of Hunt et al ('180) and Wurster ('431).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 4 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al (GB 2,307,180 A).

With respect to **Claim 1**: Hunt teaches a portable suction apparatus comprising housing 210, canister 100, suction pump 6 and wound dressing 102 comprised of an open cell polyurethane foam. Wound dressing 102 is connected to canister 100 via tube 103. Canister 100 has spigots 7A, 7B and a filter 109 at its outlet end wherein when the liquid level occludes said filter, a greatly increased negative pressure occurs that is sensed by a transducer 105 which shuts off the working of the pump 6.

Hunt does not explicitly teach a wall suction source, however such an item performs a substantially identical function to the portable suction pump taught by Hunt and thus it would be obvious to one of ordinary skill in the art to substitute a vacuum bottle for the suction pump taught by Hunt with a reasonable expectation of success to ensure the same level of function as when the device is used portably with a portable suction pump.

With respect to **Claim 3**: Hunt teaches pressure relief valve 8 connected to tube 103 that connects dressing 102 and canister 100.

With respect to **Claim 4,15**: Hunt teaches transducers 105 and 108. Transducer 105 measures the negative pressure in tube 103 between suction pump 6 and canister 100, and transducer 108 measures the pressure at the wound site wherein dressing 102 is connected by tube 106 to canister 100. Both transducers and pressure relief valve 8 are operatively connected to a microprocessor 4 and a membrane assembly 3 comprising an LCD indicator and control buttons, thus collectively providing a pressure regulating means between canister 100 and suction pump 6. Hunt teaches that microprocessor 4 is capable of being programmed to deliver intermittent suction to a wound site.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt ('180) in view of Dixon ('703).

With respect to **Claim 2**: Hunt does not teach a flow-limiting valve between canister 100 and suction pump 6. Dixon teaches a wound drainage system comprising a container 10 having spigot 25 for connection to a hospital vacuum source said spigot having incorporated check

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valve 26. ('703, Col. 3, lines 15-19) Dixon teaches that check valve 26 enables evacuation of container 10 ('703, Col. 3, lines 19,20), therefore it would be obvious to modify the apparatus taught by Hunt so as to have a check valve disposed between canister 100 and suction pump 6 as taught by Dixon to enable said canister to be emptied and ready for further use.

Claims 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt ('180) in view of Wurster (U.S. Patent No. 4,051,431).

With respect to **Claims 5-8**: Hunt does not teach a flow meter to measure the rate at which fluid is sucked from a wound site. Wurster teaches an apparatus for measuring volume of urine flow electrically, i.e. a sensor operable to detect when a canister is full. Wurster teaches that using electrical capacitance measurements to determine urine flow rates (and thus the flow rate of any electrically conductive fluid) is known in the art ('431, Col. 1, lines 16-24, 43-54), therefore it would be obvious to modify the device of Hunt so as to employ flow meters that provide output in terms of electrical capacitance that is later converted into flow measurement as taught by Wurster to sense when the canister taught by Hunt is full.

With respect to **Claim 9**: Canister 100 has spigots 7A, 7B and a filter 109 at its outlet end wherein when the liquid level occludes said filter, a greatly increased negative pressure occurs that is sensed by a transducer 105 which shuts off the working of the pump 6. Hunt does not teach a wall suction point, however as established previously, it would be obvious to substitute a wall suction source for the pump taught by Hunt, thus the transducer 105 would also be operable as a means for shutting off the connection to the wall suction source.

With respect to **Claims 10-13**: Hunt teaches transducers 105 and 108. Transducer 105 measures the negative pressure in tube 103 between suction pump 6 and canister 100, and transducer 108 measures the pressure at the wound site wherein dressing 102 is connected by tube 106 to canister 100. Both transducers and pressure relief valve 8 are operatively connected to a microprocessor 4 and a membrane assembly 3 comprising an LCD indicator and control buttons, thus collectively providing a pressure regulating means between canister 100 and suction pump 6. Hunt teaches that microprocessor 4 is capable of being programmed to deliver intermittent suction to a wound site.

With respect to **Claim 14**: Hunt teaches a portable suction apparatus comprising housing 210, canister 100, suction pump 6 and wound dressing 102 comprised of an open cell polyurethane foam. Wound dressing 102 is connected to canister 100 via tube 103. Canister 100 has spigots 7A, 7B and a filter 109 at its outlet end wherein when the liquid level occludes said filter, a greatly increased negative pressure occurs that is sensed by a transducer 105 which shuts off the working of the pump 6. Hunt teaches transducers 105 and 108. Transducer 105 measures the negative pressure in tube 103 between suction pump 6 and canister 100, and transducer 108 measures the pressure at the wound site wherein dressing 102 is connected by tube 106 to canister 100. Both transducers and pressure relief valve 8 are in electronic communication with a microprocessor 4 and a membrane assembly 3 comprising an LCD indicator and control buttons, thus collectively providing a pressure regulating means between canister 100 and suction pump 6. Hunt teaches that microprocessor 4 is capable of being programmed to deliver intermittent suction to a wound site.

Hunt does not explicitly teach a wall suction source, however such an item performs a substantially identical function to the portable suction pump taught by Hunt and thus it would be

obvious to one of ordinary skill in the art to substitute a vacuum bottle for the suction pump taught by Hunt with a reasonable expectation of success to ensure the same level of function as when the device is used portably with a portable suction pump.

With respect to **Claim 15**: Both transducers and pressure relief valve 8 are in electronic communication with a microprocessor 4 and a membrane assembly 3 comprising an LCD indicator and control buttons, thus collectively providing a pressure regulating means between canister 100 and suction pump 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Melanie J Hand
Examiner
Art Unit 3761

MJH
September 15, 2006

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read 'Tatyana', with a long, sweeping horizontal stroke extending to the right.